

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHER DIVISION

IN THE MATTER OF:

LEONARD EDWARD SMITH,

Debtor.

Chapter 7

Case No. 15-53583-WSD

Hon. Walter Shapero

**ORDER FOR TURNOVER OF FUNDS AND GRANTING OTHER RELIEF  
INCIDENT TO STATE COURT INTERPLEADER ACTION**

This matter is before the Court upon the Motion of Kelley Baetens and Michael Baetens for relief from automatic stay (Docket No. 27; the “Stay Motion”) with respect to a Michigan interpleader action (*Kimberly Lighting, et al. v. Smith, et al.*, Oakland County Case No. 2015-147293-CZ; the “Interpleader Action”) along with this Court’s March 29, 2016 Order (Docket No. 76) setting a status conference for April 20, 2016; the Chapter 7 Trustee Gene Kohut, Kelley Baetens, Michael Baetens, Kimberly Lighting, LLC, and Douglas Jenkins (the “Parties”) having appeared at the April 20, 2016 status conference in person or through counsel, the Parties having consented to the jurisdiction of this Court for the purposes of granting the relief requested herein, the Parties having placed settlement terms regarding one aspect of their dispute on the record before the Court; this Order representing the terms of that settlement, the Court finding just cause to approve this settlement, and the Court otherwise being fully advised in the premises, now therefore:

**IT IS HEREBY ORDERED** that the Stay Motion is granted for the sole purpose of entering an order in the Interpleader Action (the “State Court Order”) in the form attached as Exhibit B to the Parties’ stipulation for entry of this Order.

**IT IS FURTHER ORDERED** that the \$20,000 held by Stanton L. Walker, Attorney at Law, P.C. (“Walker”) pursuant to an order of the Oakland County Circuit Court in the Interpleader Action (the “Funds”) shall be turned over according to the terms of this Order.

**IT IS FURTHER ORDERED** that, within 14 days after entry of the State Court Order, Walker shall turn over \$16,250.00 of the Funds to the Chapter 7 Trustee, to be held by the Trustee pending further of this Court (the “Turnover Amount”).

**IT IS FURTHER ORDERED** that Walker may retain the balance of the Funds, namely \$3,750.00 (the “Lien Amount”), free and clear of any claim by the Trustee, the Debtor, Kelley Baetens, and/or Michael Baetens. The Lien Amount shall be kept by Walker in full satisfaction of any claim for attorney fees or liens that Walker, the Taunt Law Firm, Kimberly Lighting, LLC, and Douglas Jenkins may have against the Funds.

**IT IS FURTHER ORDERED** that Walker, the Taunt Law Firm, Kimberly Lighting, LLC, and Douglas Jenkins may not claim an interest in any aspect of the Turnover Amount.

**IT IS FURTHER ORDERED** that, upon payment of the Turnover Amount to the Trustee , Kimberly Lighting, LLC and Douglas R. Jenkins shall be deemed to be, and shall be, without further order of this Court or the Oakland County Circuit Court, discharged from all liability to Kelley Baetens, Michael Baetens, Debtor Leonard E. Smith, and the Bankruptcy Estate of Leonard E. Smith, including but not limited to any liability arising under the Confidential Agreement, as that terms is used and defined in the Interpleader Action.

**IT IS FURTHER ORDERED** that this Court, by further proceedings and separate order, shall adjudicate the proper distribution of the Turnover Amount.

Signed on May 02, 2016

/s/ Walter Shapero  
Walter Shapero  
United States Bankruptcy Judge